

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of: Kevin T. Foley et al

Serial No.: 10/756,970

Filed: January 13, 2004

Entitled: Surgical Instrumentation And Method  
For Treatment Of The Spine

Group Art Unit: 3733

Examiner: Hoffman, Mary C.

Confirmation No.: 3770

**RESPONSE TO FINAL REJECTION**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

Responsive to the August 19, 2009 Final Office Action in the above-identified patent application, consideration of the following remarks and arguments is respectfully requested.

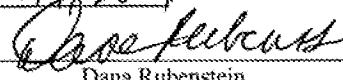
No fees are believed necessary for consideration of the present paper. However, if any fees are necessary, the Commissioner is hereby authorized to charge any fees to our Deposit Account No. 132546 for such sum.

A Listing of Claims begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

CERTIFICATE OF TRANSMISSION 37 C.F.R.  
§1.8(a)

I hereby certify that this correspondence (and any document referred to as being attached or enclosed) is being transmitted via the United States Patent and Trademark Office EPS-Web electronic filing system on Oct. 19, 2009

  
Dana Rubenstein